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Value(s) of Lawyers

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Value(s) of lawyers

Rachel Van Cleave is the dean of Golden Gate University School of Law.



Top concerns facing legal educators and the legal profession today are the cost and quality of a legal education and the job market for graduates. President Barack Obama's comments in August about whether law school should be shortened to two years have generated healthy discussions about the trifecta we are

grappling with: cost, quality and employment. These are critical issues. However, it is important not to lose sight of both the value of the legal profession as well as our fundamental values as lawyers and what model might best support these.

Thus, the question really is not a matter of whether law school should be compressed or cut short. The question is how should modern legal education instill essential values and ensure excellent training at a reasonable cost? The two-year models recently adopted by some law schools are acceleration programs that allow students to graduate after two years. Acceleration of law school, like acceleration of high school or college, is not for everyone. And while such programs may help to reduce debt load since these graduates will be employed sooner, they do not reduce legal education costs as students must complete the same number of credit hours and training as their peers who graduate after three years.

Sixty-seven percent of recent graduates surveyed by Kaplan supported the proposition that "the traditional three-year law school education can be condensed into two years without negatively impacting the practice-readiness of new attorneys." Of course, legal education as a whole is moving away from the "traditional model." Indeed, schools like Golden Gate University School of Law (one of a handful nationwide that began as a YMCA evening law school) have always been untraditional, opening the legal profession to those with a variety of backgrounds and offering a high quality, practice-based education. Nearly all of our faculty members have extensive practice experience and are connected with both their professional and scholarly colleagues. Today, we are building on this history and our faculty's expertise to address the needs of our students and the profession.

Law schools must ensure that students graduate having developed and honed the core competencies required by the modern legal profession. These include knowledge of legal rules and skills such as analysis, client counseling, legal research and writing, oral communication and myriad others. These are best developed, deepened and improved by a structured loop between students and faculty that involves practice and constructive feedback, more practice and more feedback. Core competencies also include values, as set out by the MacCrate Report, Best Practices and the Carnegie Report: the value of providing competent representation, of justice, fairness and improving the legal profession. Values, by their very nature, must be inculcated and internalized. This is best achieved when all sectors of the legal profession collaborate.

Much has been written about the benefits of the medical school residency model. Guided supervision and mentoring is critical to developing and advancing professionals who are training for a service profession; solid, reflective experiential learning is fundamental to modern legal education. Indeed, GGU Law's externships and on-site clinics that serve the community are among the most valuable experiences our students and alumni share with me. More importantly, these placements provide students with a window on the legal profession; they are able to observe their supervising attorney in addition to other lawyers and judges. This is essential for students to develop their professional identity because in this context students are able to internalize the values that are vital to the profession and to society. Law schools need to do more of this.

Tuesday, September 24, 2013

Litigation

Judge voices skepticism about lead paint makers' defense

Attorneys defending companies that manufactured lead paint said Monday in closing arguments that their product was safe, at least with what was known about its toxicity at the time.

In antitrust trial, government argues merger is harming competition

In opening statements of a bench trial questioning the merger of two rivals in the online retail review business, government attorneys argued the acquisition harms competition in violation of antitrust laws.

Law Practice

Value(s) of lawyers

It is important not to lose sight of both the value of the legal profession as well as our fundamental values as lawyers and what model might best support these. By **Rachel Van Cleave**

Litigation

Shareholder sues PG&E executives over San Bruno explosion

Seeking to hold PG&E senior management financially responsible for the 2010 San Bruno gas main explosion, a longtime PG&E shareholder filed suit Monday in San Mateo County Superior Court.

Law Practice

Goodwin Procter hires former Amazon counsel

Goodwin Procter LLP brought in former Amazon.com Inc. senior corporate counsel Jared G. Jensen to serve as a private equity partner in its San Francisco office.

Education

Draft report urges sweeping changes to law schools

The U.S. legal education system needs to change how schools are financed and accredited and how lawyers-to-be are trained, a special ABA task force declared.

Obituaries

Herman L. Glatt, 1929-2013

The bankruptcy and corporate restructuring attorney, a founder of Los Angeles-based Stutman, Treister & Glatt PC, died of natural causes this month while on a cruise. He was 84.

Mergers & Acquisitions

Dealmakers

A roundup of recent mergers and acquisitions and financing activity and the lawyers involved.

Criminal

Former Nixon Peabody lawyer sentenced for Ponzi involvement

David M. Tamman was sentenced to seven years in prison Monday for cheating investors.



The question is how should modern legal education instill essential values and ensure excellent training at a reasonable cost?

The question is how to effectively scale this type of comprehensive, deep mentoring and supervision by professors and practitioners. Our country's commitment to medical and scientific advancement is shown through the diverse funding streams dedicated to scientific research, much of which is conducted through universities. Applying this model to law schools, externships could be funded by a combination of public and private investment in the form of grants. Opportunities for externships would expand from predominantly public sector placements to include more corporations, large and mid-size law firms and nonprofit advocacy groups.

Today, we continue to hear about the backlog and legal hurdles military veterans face to receiving vital medical, housing and other benefits. Law schools have students eager to engage in meaningful legal work and faculty members who are experts at teaching skills such as analysis, problem-solving, research and writing and client counseling. Organizations such as Swords to Plowshares have deep expertise in navigating the VA application process for benefits and train lawyers to assist veterans. Private firms may contribute funding and pro bono lawyers to assist veterans and train students, meeting the needs of those who serve our country as well as the aspirations encouraged by Rule 6.1 of the Model Rules of Professional Conduct. Building a coalition among all stakeholders could reach more individuals in need of legal services, provide students with valuable training and mentoring, and engage more lawyers in what originally drew many of us to the profession - the vision of a just society. This is just one example that illustrates how all sectors of the legal profession might collaborate to begin to address the trifecta we all face. Other examples could involve collaborations to serve tech entrepreneurs or young artists to protect their ideas and innovation. These experiences would allow students to perfect skills demanded by the legal profession.

The model I envision for legal education and the legal profession changes the nature of the question about whether law school should be two or three years. There is no question that we live in a society that values justice and democracy, and the role of lawyers and judges who uphold these principles, as it values health and well-being (and the doctors and researchers who serve these ends). Each of these fields is foundational and contributes to the private and public good. The time is ripe to match our deep philosophical commitment to a just society with our economic investment. There is no one school, government program, or firm that may solve the challenges legal education and the profession face. However, the ABA Task Force on Legal Education, like the more recently established ABA Legal Access Job Corps Task Force embrace the type of coalition building that has the promise to transform legal education and the legal profession. I believe that working together we can reinvent legal education and the profession itself in ways that enhance our collective work and goals.

As we seek such solutions on the business side to ensure students have the depth of skills, knowledge and values for practice, it is also worth reminding ourselves of what lawyers contribute to society that justifies such wide-scale investment. Our profession, like the medical profession, is a service profession. The legal profession serves clients, but also our system of justice and a democratic society. Rabindranath Tagore wrote, "I slept and dreamt that life was joy. I awoke and saw that life was service. I acted and behold; service was joy." By investing in our profession we realize its value and our values.

Rachel Van Cleave is the dean of Golden Gate University School of Law.

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Expertise

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Litigation

Toyota brake override would've made no difference, jury told

A braking expert told jurors that the override was unlikely to have stayed activated during Noriko Uno's high-speed half-mile ride.

Intellectual Property

HTC blasts Cupertino holding company in patent trial

A Cooley LLP lawyer for Tawianese smartphone maker HTC Corp. lambasted a Silicon Valley patent holder during the first day of an infringement trial in San Jose on Monday.

Government

Governor signs privacy bill to protect minors

The law places some of the responsibility for compliance upon advertisers, dictating that they must not provide adult advertisements to websites that targets minors.

Litigation

Diagnostics Laboratories settles with whistle-blowers

One of the largest providers of laboratory and X-ray services to nursing homes on the West Coast agreed to pay \$19.4 million to settle a claim it tried to defraud the state and federal governments out of millions of dollars.

Mergers & Acquisitions

Kirkland handles private equity deal worth \$644 million

Kirkland & Ellis LLP represented San Francisco-based private equity firm Vista Equity Partners in its all-cash acquisition of Greenway Medical Technologies Inc.

Entertainment & Sports

Jones Day helps New Zealand team in America's Cup

Emirates Team New Zealand's run at the America's Cup was backed by pro bono representation from Jones Day.

Can you depict street art in your own art?

In a case that has implications for filmmakers, the 9th Circuit held that the unauthorized use of a street artist's work in a video backdrop for a concert was fair use. By **Mark Litwak**

Labor/Employment

New battleground for contractor vs. employee dispute

The examination of franchise arrangements is a comparatively new branch of the age-old independent contractor versus employee characterization inquiry. By **Robert W. Wood**

Intellectual Property

What the 9th Circuit thinks of commercial-skipping enablers

Dish Network's customers -- not Dish -- are the ones that push the record button on its commercial skipping feature. By **David B. Sandelands**

Criminal

What warning is enough?

The question everyone is asking about Aaron Alexis now is whether he should have been able to carry a gun in the hospital. By **Patrick**

